

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

MOHAMMAD SHARIFULLAH,

Defendant.

Case No. 1:25-MJ-144

CONSENT MOTION TO EXTEND TIME FOR INDICTMENT

The United States of America, by and through its attorneys, Erik S. Siebert, United States Attorney for the Eastern District of Virginia, and Troy A. Edwards, Jr. and Michael P. Ben'Ary, Assistant United States Attorneys, and Ryan White, Trial Attorney, National Security Division, with the express consent of the defendant, and the defendant's counsel, respectfully move the Court to extend the time to indict this case through and including May 20, 2025. In support thereof, the parties state as follows:

1. On March 2, 2025, the Honorable Lindsay R. Vaala signed a criminal complaint charging Mohammad Sharifullah (the "defendant") with one count of 18 U.S.C. § 2339B (providing and conspiring to provide material support to a designated foreign terrorist organization resulting in death). The defendant was brought to the United States in custody on March 4, 2025. On March 10, the Honorable William E. Fitzpatrick found probable cause to support the complaint after a Preliminary Hearing. ECF No. 14. The Court also found that detention was warranted.

Id.

2. The defendant is represented by Lauren Rosen and Jeremy Kamens of the Office of the Federal Public Defender.

3. The Federal Bureau of Investigation's investigation into the defendant's alleged criminal violation is expansive and involves classified information. On March 6, the government produced to defense counsel a copy of the defendant's recorded pre and post-arrest interviews. The United States' review of classified materials is well underway, but not yet complete.

4. The Speedy Trial Act requires that the defendant be indicted within 30 days of the defendant's arrest after subtracting all excludable time. A conservative estimate of the indictment deadline is Thursday, April 3, 2025. The parties jointly request an extension of approximately 45 days of the 30-day deadline to indict. Extending this time period for approximately 45 days would be in the best interests of justice in that it would allow for Ms. Rosen to be cleared, defense counsel an opportunity to meet with the defendant, to review discovery, and to discuss a possible pre-indictment plea resolution of the case. It would also allow the parties additional time to deal with issues involving classified information.

5. The defendant hereby agrees to waive any objections under the Speedy Trial Act and to extend the government's time to file an indictment in this case through and including May 20, 2025. The waiver is made knowingly, intentionally, and voluntarily by the defendant, and with full knowledge of the provisions of the Speedy Trial Act, Title 18, United States Code, Sections 3161, *et seq.*, and with the advice and consent of counsel.

6. The defendant expressly understands that his waiver is not predicated upon any promises, agreements, or understandings of any kind between the government and the defense in this case, and that nothing contained herein shall be construed to preclude the government from proceeding against the defendant during or after the time period covered by this waiver.

WHEREFORE, the parties request that the time to indict this case be extended to and including May 20, 2025 and that the delay resulting from this extension be excluded in computing the time within which an indictment must be filed pursuant to Title 18, United States Code, Section 3161(h).

Respectfully submitted,

Erik S. Siebert
United States Attorney

Date: March 17, 2025

By: /s/ Michael P. Ben'Ary
Michael P. Ben'Ary
Troy A. Edwards, Jr.
Assistant United States Attorneys

Ryan White
Trial Attorney
National Security Division

Mohammad Sharifullah: I hereby agree that I have consulted with my attorney and fully understand all my rights with respect to a speedy trial, including my right to be charged by indictment within 30 days of arrest, as required by Title 18, United States Code, Section 3161(b). I have read this motion for an extension of time to be charged by indictment, and carefully reviewed every part of it with my attorney. I understand this motion and voluntarily agree to it.

Date: March 26, 2025



Mohammad Sharifullah
Defendant

Counsel for Mohammad Sharifullah: I am counsel for Mohammad Sharifullah in this case. I have fully explained to the defendant the defendant's right to be charged by indictment within 30 days of arrest. Specifically, I have reviewed the terms and conditions of Title 18, United States Code, Section 3161(b), and I have fully explained to the defendant the provisions that may apply in this case. To my knowledge, the defendant's decision to agree to an extension of time to be charged by indictment is an informed and voluntary one.

Date: March 26, 2025



Lauren Rosen
Jeremy Kamens
Office of the Federal Public Defender
Counsel for Mohammad Sharifullah